

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5829 of 2017**

Tularam Mali @ Unnu Goncha Mali, aged about 50 Years, R/o Panarpara, Village Borgaon, Police Station Kosaguda, District Navrangpur, Orissa.

**---- Applicant****Versus**

State of Chhattisgarh through the Police Station Nagarnar, District Bastar, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : | Shri P. K. Tulsyan, Advocate     |
| For Respondent/State | : | Smt. M. Asha, P.L. for the State |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****27/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 8/2017 registered at Police Station Nagarnar, District Bastar (CG) for the offence punishable under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985. The applicant is in jail since 22.06.2017.

2. As per the prosecution, the allegation against the present applicant is that he along with co-accused persons were transporting contraband (Ganja) weighing 20 Kg. on his motorcycle.

3. Counsel for the applicant submits that in the instant case, except for the fact that the motorcycle which was being used by the co-accused Tulsiram and Gulab was of the applicant, there is no allegation levelled against the present applicant of being involved in the said offence. The case diary also reflects that the applicant was not made an accused at the

initial stage but was made accused only at the time of filing of the supplementary charge sheet. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposes the bail application and submits that since the present applicant's motorcycle was involved in the incident, it is he who along with the co-accused had jointly involved in the operation and the contraband being seized of more than 20 Kg. the applicant does not deserves to be released on bail.

5. Having considered the parties and on perusal of the record what reflects is that except for the fact that the motorcycle used in the commission of the offence being that of the applicant, there is no other evidence or material in the case diary with which the applicant can be attributed to be involved in the said offence. It is also reflected that even when the co-accused were seized, it is not a case where the present applicant was accompanying them and fled away from the scene.

6. Thus, considering the total facts and circumstances of the case particularly the allegation levelled against the present applicant, this Court is of the opinion that prima facie, a strong case for grant of bail is made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-  
(P. Sam Koshy)  
JUDGE**